

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

John Zerbe, Trustee

v.

NH Civil No. 05-ds-021-JD
PR Civil No. 02-2357

Alejandra Guzman Pinal
and Luis Olmos Dueas

O R D E R

John Zerbe, the trustee in Alfredo Castellanos's bankruptcy case, has been substituted as the plaintiff in this case. Therefore, this case can now proceed.

Zerbe has filed "Motion Requesting Clarification and the Resolution of Pending Remedies on Behalf of Plaintiff." In that motion, Zerbe states that he believed the court previously denied the defendant's pending motion to dismiss without prejudice. Zerbe is mistaken. The court has repeatedly extended the deadline for the plaintiff to respond to the pending motion, and the current deadline is October 5, 2005. Given Zerbe's misunderstanding, it appears that a further extension is necessary to permit him to respond. Therefore, the deadline for Zerbe's response is extended to October 14, 2005. No further extensions of time to respond to the pending motion to dismiss will be granted.

Zerbe asks the court to "take judicial notice of the

remedies that were solicited from this Court on September 3rd, 2005." The plaintiff's filing on that date was titled "Response in Compliance with Court Order and Seeking Other Remedies." To the extent Zerbe believes any "remedies" the plaintiff previously sought have not been addressed, he is free to file an appropriate motion seeking that relief. Further, to the extent Zerbe intended to raise the issue of recusal again, he may file an appropriate motion. The court denies his request to file such a motion under seal. Further, this judge will continue to preside in this case unless and until a motion for recusal is granted or the case is resolved.

Conclusion

For the foregoing reasons, the plaintiff's motion (NH document no. 28) is granted to the extent the deadline for filing a response to the defendant's motion to dismiss is extended to October 14, 2005, and is otherwise denied. No further extensions of the time to respond will be granted.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge
(Sitting by designation.)

October 3, 2005
cc: Alfredo Castellanos-Bayouth, Esquire
Angel E. Rotger-Sabat, Esquire
John Zerbe
USDC-PR, Clerk